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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,783	12/28/2005	Leobald Podbielski	12604/18	8753
26646 7590 03/16/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
PATTON, SPENCER D				
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3664				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,783

Applicant(s)

PODBIELSKI ET AL.

Examiner

SPENCER PATTON

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/28/2005; 6/15/2007
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the IDS filed 6/15/2007, which has been entered in the file. Claims 1-14 have been cancelled. Claims 15-29 are pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 12/28/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Lined through documents, DE 94 08 348 and DE 92 10 587, were not included with the IDS as submitted.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract is too long and should be shortened to 150 or fewer words.

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. The URL on page 2, lines 12-13 of the specification must be deleted.

5. The disclosure is objected to because of the following informalities: On page 9, line 32, "flat pick-up 7" should be changed to --flat pick-up 2--.

Appropriate correction is required.

Claim Objections

6. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Claim 27 depends from claim 24 whereas claims 25-26 do not depend from claim 24.

7. Claims 15, 20, 23, 27, and 28 are objected to because of the following informalities:

In claim 15, line 11, it is unclear whether "the route" refers to the route of line 2, or the additional route of line 10.

In claim 15, second to last line, "routes" should be changed to --route--.

In claim 20, last line, "satellite route section" should be changed to "satellite route" to correspond to the drawings which show the terminal box feeding the primary line provided in a satellite route, rather than the satellite route section (lifting platform).

In claim 23 the first "of" should be changed to --to--.

In claim 27 "lest" should be changed to --legs--.

In claim 28, "the primary line" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 15-19, 23, 24, 28, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al (US Patent No. 6,213,025) in view of Holland (US Patent No. 3,800,963).

Sauerwein et al teaches:

Re claim 15. (All limitations taught in claim 1 of Sauerwein et al except where noted otherwise) A lateral guidance transportation system, comprising:

at least one route including carrier elements and lateral guidance elements;
and

at least one transportation vehicle arranged as a main vehicle and including a device adapted to automatically move the transportation vehicle along the route, energy transferred to the transportation vehicle one of (a) by a primary circuit having a contact wire arranged along the route and (b) in a contactless manner, the transportation vehicle including at least one satellite vehicle including a drive automatically movable along an additional route and adapted to transport goods;

wherein the route includes a satellite route section for positioning and parking of the satellite vehicle;

wherein the satellite route section is alignable by positioning the main vehicle on satellite routes arranged transversely (column 2, lines 11-15) to a main vehicle route, the satellite routes arranged on shelves (column 2, lines 22-24).

Sauerwein et al fails to specifically teach: **(re claim 15)** the transportation vehicle including a lifting platform driven by a drive; and wherein the satellite route section and the satellite routs include primary conductors supplied with energy in a contactless manner from the main vehicle; **(re claim 18)** wherein energy is transferable at at least one place in a contactless manner by the main vehicle to at least one primary conductor of at least one shelf of at least one side aisle; **(re claim 23)** wherein the main vehicle is adapted to supply current of the primary conductor of the respective shelf.

Holland teaches, at Figure 1 and column 2, lines 5-8, using a lifting platform to move a satellite vehicle to different levels of a storage facility, and powering the satellite vehicle from the host vehicle.

In view of Holland's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the lateral guidance transportation system as taught by Sauerwein et al, **(re claim 15)** the transportation vehicle including a lifting platform driven by a drive; and wherein the satellite route section and the satellite routs include primary conductors supplied with energy in a contactless manner from the main vehicle; **(re claim 18)** wherein energy is transferable at at least one place in a contactless manner by the main vehicle to at least one primary conductor of at least one shelf of at least one side aisle; **(re claim 23)** wherein the main vehicle is adapted to supply current of the primary conductor of the respective shelf; since Holland teaches such a lifting platform that allows for more efficient use of floor space in a warehouse and powering the satellite vehicle from the host vehicle to reduce the cost of extensive power supply systems (column 1, lines 38-44). Additionally since Sauerwein et al teaches, at column 6, lines 1-4, that the satellite vehicles are supplied with power in a contactless manner, it would be obvious to one of ordinary skill in the art at the time of the invention, to use this contactless power transmission to power the satellite vehicle from the host vehicle.

Sauerwein et al additionally teaches:

Re claim 16. Wherein the drive of the lifting platform is provided with energy in a contactless manner (column 4, lines 33-35, and column 6, lines 1-4; the rest of the system's power transmission is contactless, so it would be obvious to one of ordinary skill in the art at the time of the invention to make the vertical drive's power contactless to reduce the number of unique parts required for maintenance.).

Re claim 17. Wherein the drive of the satellite vehicle is supplied with energy in a contactless manner (column 6, lines 1-4).

Re claim 19. Further comprising at least one pick-up adapted to contactlessly transmit energy (column 2, lines 25-27).

Re claim 24. Wherein at least one pick-up includes one of (a) a U-shaped ferrite core (column 2, line 43), (b) a C-shaped ferrite core and (c) an E-shaped ferrite core.

Re claim 28. Wherein the primary line is arranged one of (a) as an outgoing line and a return line and (b) as an outgoing line and an at least partially surrounding profile. (The contactlessly powered satellites can move away from and back to the host vehicle along their tracks, so the primary circuit must be outgoing and returning.)

Re claim 29. Wherein at least one of the drives includes at least one of (a) an electric motor and (b) a geared motor. (column 4, lines 33-35, the motor runs on electricity.)

10. **Claims 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al (US Patent No. 6,213,025) as modified by Holland (US Patent No. 3,800,963) as applied to claim 15 above, and further in view of Kelley et al (US Patent No. 4,833,337).

Sauerwein et al teaches:

Re claim 20. Wherein the main vehicle includes a power supply unit (transformer head 15, Figure 4) adapted to feed a primary line (column 3, lines 62-65) provided on the main vehicle.

As discussed above in re claim 15, Holland additionally teaches, at column 2, lines 5-9: which feeds at least one primary line provided in the satellite route section.

Sauerwein et al as modified by Holland fails to specifically teach: **(re claim 20)** inductively coupled to a pick-up connected to a terminal box adapted for impedance compensation.

Kelley et al teaches, at column 2, lines 16-18, impedance compensation for an inductive pickup.

In view of Kelley et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the lateral guidance transportation system as taught by Sauerwein et al as modified by Holland, **(re claim 20)** inductively coupled to a pick-up connected to a terminal box adapted for impedance compensation; since Kelley et al teaches impedance compensation is necessary for an

inductive power pickup, and it is well known to enclose electronics in terminal boxes to protect them from the harsh conditions outside.

Re claims 21 and 22. Sauerwein et al as modified by Holland and Kelley et al discloses the claimed invention except for arranging a pick-up in a floor or at the shelf. It would have been an obvious matter of design choice to place a pick-up in a floor or at the shelf since applicant has not disclosed that placing a pick-up in a floor or at the shelf solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the pick-up at any such location.

11. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al (US Patent No. 6,213,025) as modified by Holland (US Patent No. 3,800,963) as applied to claim 15 above, and further in view of Koyama et al (US Patent No. 6,583,697).

The teachings of Sauerwein et al as modified by Holland have been discussed above.

Sauerwein et al as modified by Holland fails to specifically teach: **(re claim 25)** wherein at least one pick-up includes a flat winding.

Koyama et al teaches, at column 2, lines 6-13, using a flat winding to reduce the size of electrical components.

In view of Koyama et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the lateral guidance transportation system as taught by Sauerwein et al as modified by Holland, **(re claim**

25) wherein at least one pick-up includes a flat winding; since Koyama et al teaches using flat windings reduces the size of electrical components.

12. **Claims 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauerwein et al (US Patent No. 6,213,025) as modified by Holland (US Patent No. 3,800,963) and Koyama et al (US Patent No. 6,583,697) as applied to claims 15 and 25 above, and further in view of Lin et al (US Publication No. 2001/0006364).

The teachings of Sauerwein et al as modified by Holland and Koyama et al have been discussed above. Koyama et al additionally teaches a ferrite core at column 3, lines 36-40.

Sauerwein et al as modified by Holland and Koyama et al fails to specifically teach: **(re claims 26 and 27)** an E-shaped core wherein the legs are shorter than the distance between legs.

Lin et al teaches, at Figure 8, an E-shaped core with legs shorter than the distance between legs.

In view of Lin et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the lateral guidance transportation system as taught by Sauerwein et al as modified by Holland and Koyama et al, **(re claims 26 and 27)** an E-shaped core wherein the legs are shorter than the distance between legs; since Lin et al teaches that this configuration allows for a more low profile configuration of components.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 7:30-5:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SPENCER PATTON/
Examiner, Art Unit 3664

3/7/2009
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Supervisory Patent Examiner, Art Unit 3664